

**REMARKS/ARGUMENTS**

Applicant respectfully request reconsideration of this application as amended.

Applicant would like to thank the Examiner for the indication of allowable subject matter and by this amendment has amended claim 33 into independent form to include the features from the base claim and intervening claim 32.

Without concession as to the propriety of the outstanding rejections, claims 26, 35 and 43 have been amended to recite more specific aspects of the invention.

Amended independent claim 26 recites, *inter alia*, when the at least one of an on-hook and an off-hook state is detected, automatically resetting at least one acoustic characteristic to a predetermined level, the acoustic characteristic capable of being associated with at least one of a transmit signal and a sidetone signal.

In contradistinction, it is readily apparent that Allen only applies sound enhancements to incoming speech. See, for example, the Abstract, line 2, column 2, lines 15 – 20 and column 5, lines 33 – 49. There is no teaching or suggestion in Allen of applying the acoustic characteristic to a transmit signal for a transmitted signal nor a sidetone signal as recited in independent claim 26.

Amended independent claim 35 recites, *inter alia*, when the at least one of an on-hook and an off-hook state is detected, the voice-based telecommunications device is capable of automatically resetting to a predetermined level any of: (i) a frequency contour of at least one of transmit and sidetone signals, (ii) an audio compression level of any of the at least one of transmit, and sidetone signals, (iii) a volume level of at least one of a transmit signal and sidetone signal, wherein in (iii), a volume setting of the at least one of the transmit signal and sidetone signal are independent of each other, and (iv) a volume level, wherein the predetermined level is user adjustable.

Amended independent claim 43 recites, *inter alia*, an automatic reset capable of operating, when the at least one of an off-hook and on-hook state is detected, to reset automatically to a predetermined level any of: (i) a frequency contour of at least one of transmit

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and sidetone signals, (ii) an audio compression level of any of the at least one of transmit and sidetone signals, and (iii) a volume level of at least one of a transmit signal and sidetone signal, wherein in (iii), a volume setting of the at least one of the transmit signal and sidetone signal are independent of one another.

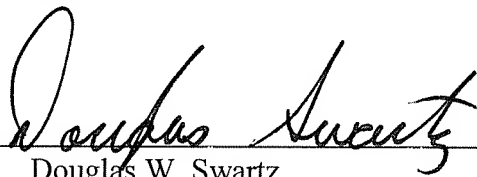
Applicant further respectfully submits that the above recited features of independent claims 35 and 43 are neither taught nor suggested by Allen.

Accordingly, and in that the independent claims are patentably distinguishable from the Allen reference, the dependent claims are also patentably distinguishable therefrom for at least the above reasons and the additional feature(s) recited therein.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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